

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BREAKIRON,

Petitioner,

V.

MARTIN HORN, Commissioner,
Pennsylvania Department of Corrections;
CONNOR BLAINE, Superintendent of the
State Correctional Institution at Greene, and
JOSEPH P. MAZURKIEWICZ,
Superintendent of the State Correctional
Institution at Rockview,

Respondents.

CIVIL ACTION

No. 00 - 300:

Judge Standish

THIS IS A CAPITAL CASE.

MOTION FOR BRIEF EXTENSION TO FILE MOTION FOR SUMMARY JUDGMENT

Petitioner, MARK DAVID BREAKIRON, through undersigned counsel, hereby requests that this Court grant his MOTION FOR BRIEF EXTENSION TO FILE MOTION FOR SUMMARY JUDGMENT and in support hereby states:

1. On November 4, 2005, this Court held a status conference during which Petitioner informed the Court that they would be filing a Motion for Summary Judgment on Claims Three (3) and One (1). This Motion for Summary Judgment was due to be filed by November 10, 2005.

2. Regretfully, Petitioner has not yet completed the Motion for Summary Judgment and would respectfully ask the Court to grant him a brief extension in which to complete and file

the motion.

3. Petitioner will submit its Motion for Summary Judgment no later than November 15, 2005.

4. Accordingly, undersigned counsel respectfully requests the Court to grant this Motion for Brief Extension.

Respectfully submitted,

S/(James Anderson)

James Anderson, Esq.
Assistant Federal Public Defender
Capital Habeas Corpus Unit
1450 Liberty Center
1001 Liberty Avenue
Pittsburgh, PA 15222-3714
(412) 644-6565

Stuart Lev, Esq.
Capital Habeas Corpus Unit
Federal Court Division
Defender Association of Philadelphia
Suite 545W -- The Curtis Center
Independence Sq. West
Philadelphia, PA 19106
(215) 928-0520

Dated: November 10, 2005

